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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,543	08/27/2001	Todd Schweitzer	T-3827	6768

7590 03/10/2004

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EXAMINER

NGUYEN, LAM S

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/939,543	SCHWEITZER ET AL.	
	Examiner	Art Unit	
	LAM S NGUYEN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In light of the applicants' arguments filed on 12/19/2003, the examiner withdrawn the finality of the last office action. The new ground rejection is made as following:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry (US 6351070) in view of Sowers (US 5440137).

Barry discloses an irradiation apparatus comprising:

a NEMA 4 watertight housing (FIG. 1) that forms an enclosure and which has a floor in which an irradiation window opening (FIG. 1, element 12),

a quartz window disposed across said window opening in watertight sealed engagement therewith (FIG. 1, element 12: quartz plate),

a microwave excited ultraviolet radiation generator that includes a lamp (FIG. 1, element 6) positioned within said watertight housing proximate said window opening (FIG. 1, element 12) to emit energy through said quartz window (FIG. 1, element 12) to an area at the exterior of said housing beneath said quartz window (FIG. 1, element 12), and

a reflector positioned within said enclosure relative to said microwave excited ultraviolet radiation generator to focus ultraviolet radiation therefrom upon said quartz window (FIG. 1, element 8).

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Barry does not disclose wherein said lamp is electrodeless (**Referring to claims 1, 5, 9**) and the comprising of a baffle located within said watertight housing and positioned in the path of said air inlet duct to aid in deflecting air from said air inlet duct toward said electrodeless lamp

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and on to said air outlet duct, wherein the baffle has perforations defined therethrough

(Referring to claims 2-3, 6-7).

Sowers discloses an apparatus for curing radiation curable material including a lamp unit providing radiation in a converging beam directed toward a focal plane and forming a curing zone at a curing position for receiving the curable material (Abstract), wherein the lamp unit is preferably an electrodeless type (column 6, line 32-35). The apparatus comprises a baffle located within a watertight housing (FIG. 4) and positioned in the path of an air inlet duct (FIG. 5, element 62), wherein the baffle has perforations defined therethrough (FIG. 5, elements 68-69).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the irradiation apparatus disclosed by Barry such that the lamp unit is electrodeless as disclosed by Sowers. The motivation of doing so is to provide an irradiation apparatus having accurate controlled intensity radiation in the curing band impinging on the surface of the curable material as taught by Sowers (column 5, line 25-30).

Barry also discloses the following claimed invention:

Referring to claims 4, 8: wherein said floor of said watertight housing is formed of stainless steel and said watertight housing is further comprised of laterally enclosing upright stainless steel walls extending up from said floor and a stainless steel lid to which said inlet and outlet ducts are joined (FIG. 1).

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (571)272-2151.

The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

March 1, 2004

Hai Pham

HAI PHAM
PRIMARY EXAMINER